

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

INACOM CORP., et al. Plaintiffs v. TECH DATA CORP. Defendant	 Civil Action No. 04-CV-148 (GMS)
INACOM CORP., et al. Plaintiffs v. DELL COMPUTER CORP. Defendant INACOM CORP., et al. Plaintiffs v. LEXMARK INTERNATIONAL, INC. Defendant	 Civil Action No. 04-CV-582 (GMS) Civil Action No. 04-CV-583 (GMS)
INACOM CORP., et al. Plaintiffs v. INGRAM ENTERTAINMENT INC. Defendant	 Civil Action No. 04-CV-593 (GMS)

**DEFENDANTS' MOTION TO EXCLUDE THE
EXPERT TESTIMONY AND REPORT OF DEAN VOMERO**

Defendants Tech Data Corp. ("Tech Data"), Dell Computer Corp. ("Dell"), Lexmark International, Inc. ("Lexmark") and Ingram Entertainment Inc. ("Ingram") (collectively "Defendants") move the Court to exclude the proffered expert testimony and report of Mr. Dean Vomero because it is not sufficiently reliable and relevant to satisfy the standards of Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), as made applicable to non-scientific expert testimony by *Kumho Tire Company v. Carmichael*, 526 U.S. 137 (1999).

In support of this motion, Defendants rely on their attached Opening Memorandum in Support of Defendants' Motion To Exclude The Expert Testimony and Report of Dean Vomero. A proposed order is tendered.

Respectfully submitted,

/s/ James F. Harker
James F. Harker
Herlihy, Harker & Kavanaugh
1400 North Market Street, Suite 200
P.O. Box 1597
Wilmington, Delaware 19899
Tel.: (302) 654-3111

and

Charles M. Tatelbaum
Stephen C. Hunt
Adorno & Yoss, L.L.P.
350 East Las Olas Blvd., 17th Floor
Fort Lauderdale, Florida 33301
Tel.: (954) 763-1200

Attorneys for Defendant
Tech Data Corp.

/s/ Patricia P. McGonigle
Patricia P. McGonigle
Kevin Guerke, DE #4096
Seitz, Van Ogtrop & Green, P.A.
222 Delaware Avenue, Suite 1500
P.O. Box 68
Wilmington, Delaware 19899
Tel.: (302) 888-0600

and

Sabrina L. Streusand
G. James Landon
Hughes & Luce, L.L.P.
111 Congress Avenue, Suite 900
Austin, Texas 78701
Tel.: (512) 482-6800

Attorneys for Defendant
Dell Computer Corp.

/s/ Thomas G. Whalen, Jr.

Thomas G. Whalen Jr. (No. 4034)
Stevens & Lee, P.C.
1105 North Market Street, 7th Floor
Wilmington, Delaware 19801
Tel.: (302) 425-3307

and

Culver V. Halliday
Emily L. Pagorski
Stoll, Keenon & Park, LLP
2650 AEGON Center
400 West Market Street
Louisville, Kentucky 40202-3377
Tel.: (502) 568-9100

Attorneys for Defendant
Lexmark International, Inc.

/s/ Thomas G. Macauley

Thomas G. Macauley (ID No. 3411)
Zuckerman Spaeder LLP
919 Market Street, Suite 990
P.O. Box 1028
Wilmington, Delaware 19899-1028
Tel.: (302) 427-0400

and

Jonathan P. Hersey
Sheppard, Mullin, Richter &
Hampton, LLP
600 Anton Blvd., 18th Floor
Costa Mesa, California 92626
Tel.: (714) 513-5100

Attorneys for Defendant
Ingram Entertainment Inc.

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